REMARKS

Claims 1-21 were pending in this application. By this Amendment, Applicant has added new claims 22-25, amended claims 1, 4-10, 13-14 and 17 and canceled claim 19 without prejudice or disclaimer. Accordingly, claims 1-18 and 20-25 are submitted for reconsideration.

In the Office Action, claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Colyer (U.S. Patent No. 6,023,722) in view of Allison et al. (U.S. Patent No. 6,167,032). Claim 1, as amended, recites that a method for detecting and reacting to changes in depth of one or more queues which store messages processed by tasks executing in a computer system includes setting a high threshold of a depth of the queue to a first value, setting a low threshold of a depth of the queue to a second value lower than the first value, and detecting when the depth of the queue equals or exceeds the high threshold. The method also includes raising the high threshold by a predetermined increment each time the depth of the queue equals or exceeds the high threshold, and selectively adjusting the low threshold when the depth of the queue equals or exceeds the high threshold.

In the rejection, the Examiner admitted that Colyer does not teach raising the high threshold by a predetermined increment each time the depth of the queue equals or exceeds the high threshold, and does not teach setting a low threshold of the depth of the queue to a value lower than the value of the high threshold. The Examiner asserted, however, that Allison teaches raising a high threshold each time the depth of the queue equals or exceeds the high threshold and setting a low threshold of the depth of the queue to a value lower than the value of the high threshold. Even if combinable with Colyer, Allison fails to cure the deficiency of Colyer.

Allison discloses that each frame has a descriptor which contains a field defining a threshold indicating the number of data blocks to transfer from the host system before transmission to the network (column 3, lines 17-19). The device driver uses an algorithm to determine the optimum threshold for frame transmissions by raising or lowering the threshold to minimize the number of underruns and maximize the network's performance (column 3, lines 24-29).

In contrast to claim 1, neither Colyer nor Allison discloses or suggests setting a high threshold of a depth of the queue to a first value, setting a low threshold of a depth of the queue to a second value lower than the first value. Rather, Allison only discloses a single threshold that is raised or lowered, and not a high threshold and a

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low threshold set to a value lower than the high threshold. Moreover, the Examiner expressly admitted that Colyer fails to disclose or suggest a low threshold.

Since Colyer and Allison fail to disclose or suggest setting a low threshold, both references necessarily fail to disclose or suggest selectively adjusting the low threshold when the depth of the queue equals or exceeds the high threshold, as recited in claim 1. Accordingly, for all of these reasons, claim 1 is patentably distinguishable from the combination of Colyer and Allison. Claims 2-4, 18 and 22 are also patentably distinguishable from the combination of Colyer and Allison by virtue of their dependence from claim 1, as well as their additional recitations.

Claims 5, 10 and 14 are patentably distinguishable from the combination of Colyer and Allison for at least the same reasons as claim 1. Claims 6-9, 11-13, 15-17, 20-21 and 23-25 are also patentably distinguishable from the combination of Colyer and Allison by virtue of their dependency from claims 5, 10 and 14, as well as their additional recitations.

Applicant respectfully submits that the application is in condition for allowance and request reconsideration. Should the Examiner have any questions or suggestions regarding this application, the Examiner is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

Date April 3, 2003   By _____

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